

ENTERED

May 05, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NICHOLAS HECKFORD,

Plaintiff,

VS.

CITY OF PASADENA, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:20-CV-04366

ORDER

The Court held a hearing on Plaintiff Nicholas Heckford's Motion to Compel (ECF No. 65), Motion for Continuance of Trial Setting (ECF No. 73), and Motion for Leave to File Supplemental Expert Report (ECF No. 74) on May 5, 2022. At that hearing, the Court ruled from the bench. The Court provides this Order to briefly summarize its rulings.

For the reasons stated on the record at the hearing, the Court takes the following actions:

1. **GRANTS** Plaintiff's Motion to Compel (ECF No. 65) **IN PART** and **DENIES** it **IN PART**. Per the agreement mentioned at the hearing, Defendant is **ORDERED** to produce the complaint log mentioned by Chief Bruegger during his deposition. Defendant is further **ORDERED** to produce all citizen complaints for the six (6) month period prior to the incident to the Court for an *in-camera* inspection to evaluate Defendant's decision to characterize complaints as unrelated to officer use of force. Per Plaintiff's representations at the hearing, Plaintiff's requests for additional settlement agreements and access to officer personnel files are **WITHDRAWN**, and therefore **DENIED AS MOOT**.
2. **GRANTS** Plaintiff's Motion for Leave to File Supplemental Expert Report (ECF No.

74).

3. **GRANTS** Plaintiff's Motion for Continuance of Trial Setting (ECF No. 73) and **SETS** the following schedule:

- June 20, 2022: Deadline for Defendants' Supplemental Rebuttal Report;
- July 15, 2022: Deadline for Compelled Discovery and Supplemental Expert Depositions;
- August 15, 2022: Dispositive and Non-Dispositive Motions Deadline;
- December 12, 2022: Deadline for Joint Pretrial Order and Motions *in Limine*
- December 19, 2022: Jury Trial begins at 9:00 a.m.

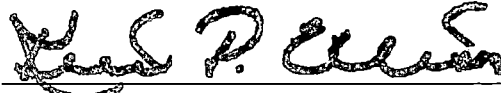
In light of the Court's decision to permit the supplemental expert report and to undertake *in-camera* review of additional documents, the Court also **DENIES** Defendant's Motion for Summary Judgment (ECF No. 75) **WITHOUT PREJUDICE TO RE-FILING** and **DENIES** Defendant's Motion to Exclude Testimony of Lance Platt (ECF No. 72) **WITHOUT PREJUDICE TO RE-FILING**. Defendant made clear in its Response to Plaintiff's Motion for Leave that it would require "new deadlines to offer . . . a reasonable opportunity to depose Plaintiff's experts" and the opportunity to file new motions for summary judgment and motions to exclude. ECF No. 89 at ¶ 8. Denying Defendant's extant Motion for Summary Judgment and Motion to Exclude Testimony of Lance Platt without prejudice to re-filing—and concomitantly extending the motions deadline—ensures that Defendant will have the opportunity to file a comprehensive Motion for Summary Judgment and Motion to Exclude Dr. Platt that does not require the parties or the Court to pick piecemeal through an array of different briefs.

Nothing herein affects Defendant's Motion to Exclude Undisclosed Non-Retained Expert Opinion Testimony (ECF No. 71), which remains outstanding because it targets Plaintiff's

healthcare providers and is unaffected by the materials which will soon supplement the record.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 5th day of May, 2022.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE